**Subactivity: Habitat Conservation & Restoration**
**Line Item: Habitat Conservation**

**GOAL STATEMENT:**

Conduct a habitat program to maintain high economic and ecological productivity of the Nation's living marine resources and support the National Oceanic and Atmospheric Administration (NOAA) Strategic Plan Goal to "protect, restore, and manage the use of coastal and ocean resources through an ecosystem approach to management".
Base activities in the Habitat Program support the objective to "enhance the conservation and management of coastal and marine resources to meet America's economic, social, and environmental needs" under the Department of Commerce Strategic Plan goal to "observe, protect, and manage the Earth's resources to promote environmental stewardship."

**BASE DESCRIPTION:**

The Habitat Conservation & Restoration subactivity is an integral part of the NOAA Habitat Program, a program committed to protecting and restoring coastal and estuarine habitats vital to NOAA trust resources, improving the data and techniques to accomplish these ends, and enhancing the interests and abilities of citizens to play active roles in these endeavors. Achieving these goals will require strengthening internal and external partnerships; leveraging resources available to government, the private sector, academic institutions, and individual citizens; and applying up-to-date information together with the best available science to produce management decisions that support sustainable or expanding productive coastal and estuarine habitats.

**Sustainable Habitat Management**

Efforts relating to Sustainable Habitat Management integrate research and management to provide scientific advice for use in permit, licensing, and management activities by (1) working directly with permit and license seekers, before paperwork is filed, to review the environmental acceptability of preliminary concepts; (2) consulting with Federal agencies on the impact to habitat of proposed actions; (3) supporting Regional Fishery Management Councils and interstate commissions in developing positions on specific projects; (4) increasing overall habitat conservation awareness within Federal, state, and local agencies; and (5) improving programs that gather, transfer, and use data on habitats and biological diversity.

Habitat protection activities are the first step in ensuring the long-term survival and health of fishery resources and the habitats that support them. Habitat protection also is integral to ensuring healthy regional ecosystems and the host of societal benefits derived from robust, productive coastal and estuarine habitats. Among the most basic tools in NOAA's habitat protection kit is consultation—working with Federal action agencies and their constituents to ensure that proposed actions posing threats to marine, coastal, and estuarine habitats are undertaken in a manner that prevents, minimizes, or compensates for adverse effects.

NOAA uses a streamlined consultation process to provide recommendations for construction projects, applications for dredging and filling wetlands, licenses for hydroelectric power plant operation, waste discharge permits, energy proposals, and other Federal funding and permit activities. The program also coordinates agency efforts to designate essential fish habitat (EFH) and evaluate the effects of fishing activity on EFH.

Each year, NOAA's National Marine Fisheries Service (NMFS) regional offices and headquarters provide technical comments on about 8,000 individual actions (preapplication discussions, permit applications, license renewals, environmental analyses, management plans, and draft policies and guidance, and others). Collectively, this work reflects stewardship responsibilities under nearly a dozen Federal authorities and represents a major effort to protect marine, estuarine, and riverine habitats that support NOAA trust resources. As an example of the magnitude of this effort, the Southeast Regional Office (covering North Carolina to Texas, Puerto Rico and the U.S. Virgin Islands) responds to about 4,500 requests each year A sample of 400 permits and license applications from this workload in FY2003 would have affected about 53,400 acres of habitat. Technical comments provided by the Southeast Region's Habitat Conservation Division influenced more than 90% of the total acres proposed for action. This success rate on habitat protection reflects the value of NOAA science and management recommendations offered to state and Federal decision makers, as well as NOAA's proactive efforts at educating the development community and conveying proper management applications. The extent of the acreage involved within one NOAA region highlights the importance of NOAA's habitat protection activities towards sustaining the health of trust resources.

NOAA also uses its expertise to influence decisions at the ecosystem or watershed level, where protection and restoration successes can be more lasting and profound. Utilizing a regional ecosystem approach to management, evidenced in Habitat's Chesapeake Bay and the Great Lakes programs, regional research is coupled with on-the-ground conservation with the assistance of local partners to enhance watersheds and coastal systems. These efforts provide large-scale benefits to resources and to our goals of no net habitat loss, increased yields, streamlined efficiencies, and sustained societal benefits.

**Fisheries Habitat Restoration**

Efforts relating to Fisheries Habitat Restoration provide financial support, technical expertise, and coordination for habitat restoration and research. The NOAA Restoration Center oversees activities under this line item through three major programs: Community-based Restoration Program (CRP); the Damage Assessment, Remediation and Restoration Program (DARRP); and Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) Program.

The Community-based Restoration Program (CRP) catalyzes partnerships at the national and local level to put into place the funding, technical assistance, and volunteer support to enable citizens to conduct and monitor the progress of coastal and estuarine fish habitat restoration. A model for community collaboration, partnership building, and interagency cooperation, CRP partners with grassroots groups to encourage hands-on citizen participation in restoration projects. This participation fosters long-term stewardship of the Nation's coastal and marine resources. The power behind CRP is its ability to build partnerships that leverage funding and emphasize volunteer involvement to restore the diverse habitats crucial to the economic well-being of the recreational and commercial fishing industries. This highly successful national effort encourages partnerships with industry, nonprofit organizations, and state and local governments and has regularly leveraged non-Federal funding to Federal funds by factors of 3:1 to 5:1.

Through DARRP legal settlements, NOAA claims damages for injuries to marine resources resulting from oil spills, hazardous releases, ship groundings, or other human-induced environmental disturbances. The NOAA Restoration Center staff administers the portion of DARRP that directs the planning, implementation, and monitoring of case-specific programs to restore NOAA trust resources after successful settlement of natural resource damage claims. Responsible parties provide funds or conduct projects to restore, replace, or acquire the equivalent of the injured resources.

Because the degree of wetland loss in Louisiana is so severe that it threatens the safety of its citizens, local traditions and cultures, economy, and environment, the CWPPRA program was enacted in 1990. CWPPRA is a multi agency reimbursable program administered by the Army Corps of Engineers. As member of this multi-agency Federal and state effort, the NOAA Restoration Center has administered approximately $10 million each year in reimbursements for on-the-ground restoration that has benefited thousands of acres of threatened wetlands and marine habitat. NOAA Restoration Center staff is actively involved with all aspects of the restoration process, from site selection and engineering/design to monitoring and maintenance.

**PROPOSED LEGISLATION:**

None.

**SUMMARIZED FINANCIAL DATA**
(Dollars in thousands)

| Subactivity: Habitat Conservation & Restoration | FY 2005 ACTUALS | FY 2006 CURRENTLY AVAILABLE | FY 2007 BASE PROGRAM | FY 2007 ESTIMATE | INCREASE / DECREASE |
|---|---|---|---|---|---|
| Line Item: Habitat Conservation | | | | | |
| Sustainable Habitat Management | 19,910 | 21,796 | 15,062 | 18,760 | 3,698 |
| Fisheries Habitat Restoration | 33,338 | 24,833 | 13,636 | 21,136 | 7,500 |
| TOTAL | 53,248 | 46,629 | 28,698 | 39,896 | 11,198 |
| FTE | 123 | 235 | 235 | 235 | - |

Note: The dollars in this table represent budget authority.

**PROGRAM CHANGES FOR FY 2007:**

**Sustainable Habitat Management (+0 FTE and $3,698,000):** NOAA Fisheries Service requests an increase of $3,698,000, including $2,800,000 for Habitat Conservation and $899,000 for Refine EFH Designations for a total request of $18,760,000.

**Statement of Need**:

The NOAA Fisheries Service hydropower program, works to protect and restore anadromous and catadromous fish and their habitats by promoting fish passage and other protection, mitigation, and enhancement measures at hydropower projects under the provisions of the Federal Power Act. The hydropower provisions of the Energy Policy Act of 2005 impose new requirements on the NOAA Fisheries Service hydropower program. Specifically, the Energy Policy Act requires Department of Commerce (DOC), along with Department of the Interior (DOI) and U.S. Department of Agriculture (USDA), to jointly establish a 90-day trial-type hearings process for the agencies' prescriptions (DOC and DOI) and conditions (DOI and USDA). The hearings will resolve disputed issues of material fact with respect to conditions or prescriptions for inclusion in hydropower licenses issued by the Federal Energy Regulatory Commission under the Federal Power Act. In addition the agencies most implement separate procedures for evaluating fish passage alternatives.

The Magnuson Stevens Act requires that Fishery Management Plans describe and identify essential fish habitat (EFH) and that adverse impacts from fishing and non-fishing activities to EFH be avoided, minimized, and/or mitigated. These habitat protection measures are intended to be one component of an overall strategy for achieving sustainable fisheries. In 1998 and 1999 NOAA identified and described EFH for the first time based on information available at the time.

Since then, new information has become available on habitat used and distribution among habitat types by various species and life history stages. In addition, new analytical approaches using more sophisticated models and mapping techniques are available to analyze the data. It is necessary to update EFH particularly on a regular basis to assure it reflects the best scientific data available.

**Proposed Action**:

NOAA Fisheries estimates that it will cost approximately $2,800,000 per year to implement the new requirements of the hydropower provisions of the Energy Policy Act. We request an increase of $2,800,000 in FY07 to accommodate these needs. The $2,800,000 per year is necessary to pay the U.S. Coast Guard for use of its Administrative Law Judges, and to augment technical and legal capabilities (attorneys) in NMFS Headquarters and Regional Offices to address the workload generated by the new processes.

NOAA Fisheries seeks an $899,000 increase in FY07 to support specific activities aimed at refining the 1998 and 1999 EFH designations. Specifically, this funding would support mapping and modeling activities that would enable NOAA Fisheries to better synthesize existing EFH information. In addition, this funding would support basic research to distinguish the importance of habitat used by managed species.

**Benefits**:

Anadromous and catadromous fish are important from an economic (commercial, recreational, or subsistence fisheries, or as prey for managed species) and environmental (ecosystem connectivity, and health) perspective. Since hydropower project licenses last 30-50 years, it is critical that NOAA Fisheries address the needs of anadromous and catadromous fish during the timeframe for each individual relicensing. Project relicensings provide opportunities for ecosystem restoration and species recovery in affected rivers and watersheds, often with direct implications to harvests. NOAA Fisheries needs to be able to implement the hydropower provisions of the Energy Policy Act in order to continue to exercise its mandate to provide for passage of anadromous and catadromous fish, including threatened and endangered species such as salmon, around hydropower projects.

Incorporating new species/habitat use information and analyses will refine EFH by clarifying the scope and extent of the existing EFH designations. This refined EFH will make EFH designations more accessible to the public and other federal agencies that must consult on impacts to EFH. More refined EFH designations will enable NOAA Fisheries to more effectively target conservation activities. The requested funds will support improved interpretations and analyses of existing habitat information, thereby ensuring that the agency maximizes use of the best available scientific data, complies more rigorously with the Data Quality Act, and generally is less susceptible to litigation risk. The agency has made considerable investments in specific efforts to refine EFH, particularly in the Northeast. The requested increase will enable the agency to bring these efforts to completion, thereby avoiding a loss of investment made in previous fiscal years.

**Performance Goals and Measurement Data**
This increase will support the objective, "Enhance the conservation and management of coastal and marine resources to meet America's economic, social, and environmental needs" under the Department of Commerce Strategic Goal of, "Observe, protect, and manage the Earth's resources to promote environmental needs." This increase will support NOAA's Goal, "Protect, Restore, and Manage the Use of Coastal and Ocean Resources Through an Ecosystem Approach to Management". The measure listed below directly supports the Habitat Program's stream miles performance measure. In addition, these activities directly support the Habitat Program's Energy Policy Act milestone.

| **Performance Goal 3: Ecosystem Performance Measurements: Number of fishway prescriptions.** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | N/A | N/A | 0 | 0 | 0 | 0 |
| With Increase | N/A | N/A | 10 | 10 | 10 | 10 |

| **Performance Goal 3: Ecosystem Performance Measurements: Number of Fishery Management Plans revised with updated EFH.** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | N/A | 6 | 0 | 0 | 0 | 0 |
| With Increase | N/A | N/A | 6 | 6 | 6 | 6 |

**PROGRAM CHANGES FOR FY 2007:**

**Fisheries Habitat Restoration (+0 FTE and $7,500,000):** The NOAA Fisheries Service requests an increase of $7,500,000 including $6,000,000 to fund the Open Rivers Initiative with the goal of restoring stream miles of fish habitat and $1,500,000 to establish a Great Lakes Habitat Restoration Program for a total request of $21,136,000. River restoration and conservation will be attained through the modification or removal of structures (e.g. dams, barriers, culverts) that have outlived their useful purposes and pose safety hazards to the neighboring communities.

**Great Lakes Habitat Restoration (+0 FTE and $1,500,000)** NOAA Fisheries Service requests an increase of $1,500,000 to establish a Great Lakes Habitat Restoration Program, emphasizing restoration of NOAA trust resources at the watershed scale within the Great Lakes Areas of Concern.

**Statement of Need**:

The Great Lakes are North America's freshwater seas and one of the Nation's most important aquatic resources from an economic, geographic, international, ecological and societal perspective. Their restoration, protection and sustainable use are a matter of national priority. On May 18, 2004, Executive Order 13340 was signed creating the Great Lakes Interagency Task Force to help establish a regional collaboration of national significance for the Great Lakes. The Task Force brings together ten agencies including DOC to work on restoring the Great Lakes. NOAA's program will focus on restoring Great Lakes aquatic resources, with an emphasis on commonly occurring lake-wide problems such as providing technical support to assist in the remediation of contaminated sediment and the presence of persistent contaminants and the loss of high quality fish and wildlife habitat.

**Proposed Action**:

The Great Lakes Habitat Restoration Program will mobilize NOAA's restoration assets and use an ecosystem approach towards restoring Great Lakes' natural resources. The ecosystem approach to restoration is instrumental in identifying the sources of the problems (e.g., contaminated sediments), identifying an optimal restoration strategy and its intended benefits, evaluating the socio-economic consequences, and monitoring the success of the restoration effort in achieving its goal(s). To properly monitor the effectiveness of NOAA's Great Lakes Habitat Restoration Program, the program has identified a program performance measure (i.e., acres restored per year (NOAA GPRA measure)). The Great Lakes Restoration Program will incorporate all project information and monitoring results into the National Estuary Restoration Inventory (NERI) to monitor and document success of restoration at meeting goals for lake-wide ecosystem quality. Additionally, the Great Lakes Restoration Program will provide the necessary outreach, facilitation and technical assistance to stakeholders and communities participating in the restoration activities.

**Benefits**:

The two primary components of the Great Lakes Restoration Program will be: 1) the establishment of a cross-NOAA Great Lakes Habitat Restoration Program Office in the region and 2) the coordination of NOAA efforts to focus habitat restoration efforts at the watershed level in the Areas of Concern (AOC) identified under the Great Lakes Water Quality Agreement. It is expected that a community-based grant process for Great Lakes communities will provide for partnerships and additional funds from other federal agencies, states and local municipalities of an additional $4 million to $8 million. Overall, this program will develop a strong NOAA presence and leadership in habitat restoration within the Great Lakes region.

**Performance Goals and Measurement Data:**

This increase will support the objective, "Enhance the conservation and management of coastal and marine resources to meet America's economic, social, and environmental needs" under the Department of Commerce Strategic Goal of, "Observe, protect, and manage the Earth's resources to promote environmental needs."

This increase will support NOAA's Goal, "Protect, Restore, and Manage the Use of Coastal and Ocean Resources Through an Ecosystem Approach to Management". Specifically, the increase supports the NOAA GPRA measure, "Number of Habitat Acres Restored" by targeting NOAA expertise and partnerships in the Great Lakes through establishing a cross-NOAA Great Lakes Habitat Restoration Program Office, and the coordination of NOAA efforts to focus habitat restoration efforts at the watershed level in the AOC, in conjunction with strong partnerships with a wide range of other agencies and customers.

| **GPRA Performance Goal: Number of Acres of Habitat Restored** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | 8333 | 4500 | 4500 | 4500 | 4500 | 4500 |
| *With Increase | - | - | 4575 | 4575 | 4575 | 4575 |

* The number of acres of habitat restored will increase by 75 acres with the requested increase of $1.5M for the Great Lakes Restoration Program.

**Open Rivers Initiative (+0 FTE and $6,000,000):** The NOAA Fisheries Service requests an increase of $6,000,000 to fund the Open River Initiative with the goal of restoring stream miles of fish habitat.

**Statement of Need**:

To support Executive Order 13352 which directs federal agencies to promote cooperative conservation in full partnership with state, local governments, tribes and individuals, NOAA requests an increase of $6,000,000 to establish an initiative to enhance the repair of vital riverine ecosystems, to benefit communities, and to enhance populations of key NOAA trust species.

Over two million small dams block the passage of migratory fish in U.S. streams and rivers. Dams provide numerous benefits for modern society, but they also contribute to the habitat and water quality degradation occurring in estuaries, deltas, and river environments. While most U.S. dams serve their intended functions, many no longer provide the benefits for which they were built. Still others have outlived their planned life expectancy and present known public safety hazards and liability risks to owners of the structures. There are other barriers to fish passage as well. "Perched" culverts, whose downstream ends sit too high above the stream, block fish passage. Culverts that are too narrow, too steep, or collapsed can present impassible obstacles for migratory fish trying to reach their spawning grounds. The Open Rivers Initiative (ORI) is expected to provide an economic boost for communities, enhance public safety, and improve populations of NOAA trust resources such as striped bass, Atlantic and shortnose sturgeon, Atlantic and Pacific Salmon.

**Proposed Action**:

The ORI, a competitive grant program builds on NOAA's capabilities and utilizes a community-based model to remove small dam and river barriers in coastal states. The community-based model catalyzes partnerships at the national and local levels by providing funding, technical assistance, and encouraging volunteer stewardship support to enable citizens to restore lost fish habitat.

A significant portion of the $6,000,000 increase will address on-the-ground community-based river enhancements and approximately $1,500,000 will be utilized to support (i.e., assessment and characterization of priority sites, engineering and design, permitting, NEPA, technical assistance and administration) the initiative. Additional support from ORI partners (e.g., industry, non-profit organizations, state and local governments) regularly leverage non-federal to federal funds by a factor of approximately 3:1 to 5.1. Using a community-based model, NOAA has removed more than 80 dams and stream blockages, opening 700 miles of high quality river habitat for migratory fish.

NMFS will incorporate all ORI project information and monitoring results into the National Estuary Restoration Inventory (NERI) to monitor and document success of restoration at meeting goals. Additionally, the ORI will provide the necessary outreach, facilitation and technical assistance to stakeholders and communities participating in the repair of riverine ecosystems.

**Benefits**:

These restoration projects provide significant environmental improvements (e.g., opening access to spawning habitat and improving water quality) and offer noteworthy economic and societal benefits. They create new opportunities for recreational fishing, river rafting, and kayaking; provide cost savings by eliminating the need for dam repairs; and remove safety and liability risks associated with outdated structures. Removing dams and other barriers requires substantial time and effort because of environmental, safety, and socio-cultural considerations. All barrier removal projects benefit from a collaborative process that engages a wide array of partners, including municipalities, state government, and private owners. Partnerships help build the tools, confidence, and interest required to achieve successful river restoration projects.

**Performance Goals and Measurement Data:**
This increase will support the President's Ocean Action Plan and the objective, "Enhance the conservation and management of coastal and marine resources to meet America's economic, social, and environmental needs" under the Department of Commerce Strategic Goal of, "Observe, protect, and manage the Earth's resources to promote environmental needs." This increase will support NOAA's Goal, "Protect, Restore, and Manage the Use of Coastal and Ocean Resources through an Ecosystem Approach to Management". Specifically, the increase supports the Ecosystem Goal's Corporate Measure and the Habitat Program's performance measure, "Stream miles made accessible for ocean, coastal, and Great Lakes resources".

| **Performance Goal: Stream miles made accessible (miles per year).** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | 199 (actual) | 150 (target) | 150 | 150 | 150 | 150 |
| *With Increase | N/A | N/A | 900 | 900 | 900 | 900 |

| **Performance Goal: Number of Dams modified.** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | 6 (actual) | N/A | 0 | 0 | 0 | 0 |
| With Increase (Annual/Cumulative) | N/A | N/A | 30 | 30/60 | 30/90 | 30/120 |

| **Performance Goal: Hours of coastal community participation associated with habitat protection, restoration, education and outreach (hours per year).** | **FY 2005** | **FY 2006** | **FY 2007** | **FY 2008** | **FY 2009** | **FY 2010** |
|---|---|---|---|---|---|---|
| Without Increase | 193,494 (actual) | 100,000 (target) | 100,000 | 100,000 | 100,000 | 100,000 |
| With Increase | N/A | N/A | 105,000 | 105,000 | 105,000 | 105,000 |

* The number of stream miles made accessible (miles per year) will increase by 750 with the requested increase of $6.0M for the Open Rivers Initiative.

**TERMINATIONS FOR FY 2007:** The following programs, or portions thereof, have been terminated in FY 2007: Sustainable Habitat Management ($6,904,000), Fisheries Habitat Restoration ($11,162,000).